

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

06/06/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A. Hatfield

Deputy

In Re: Pima County Irrigation
Contested Case No. W1-11-2694

FILED: 06/19/2018

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3 and W-4 (Consolidated)

In re: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

11:23 a.m. This is the time set for a status conference before Special Water Susan Ward Harris.

The following attorneys and parties appear in-person: Michael LeBlanc and Michael McNulty on behalf of Pima County Irrigation. Jay Tomkus on behalf of Yavapai-Apache Nation and Pascua Yaqui Tribe; Charles Cahoy on behalf of the City of Phoenix; R. Jeffrey Heilman and Michael Foy on behalf of the Salt River Project (“SRP”); and Carrie Brennan on behalf of Arizona State Land Department (“ASLD”).

The following attorneys and parties appear telephonically: John Burnside on behalf of BHP Copper; Kimberly Parks on behalf of the Arizona Department of Water Resources (“ADWR”); Bradley Pew on behalf of ASARCO; and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe.

Court reporter, Mike Benitez, is present and a record of these proceedings is made digitally.

Mr. LeBlanc addresses wells that are outside the subflow zone and the Statements of Claimant (SOCs) that Pima County Irrigation wanted to withdraw. He states that there were objections filed to the motion to withdraw certain SOC. Pima County is now willing

to not withdraw the SOCs. He requests the proceedings be stayed with respect to those SOCs for reasons stated on the record.

Mr. Foy has no objection to Pima County withdrawing the SOCs with certain caveats.

The Court notes that there is not an approved cone of depression test at this time.

Mr. Foy requests that the case be stayed. Mr. Tomkus joins SRP's request. Discussion is held.

LET THE RECORD REFLECT Watershed File Reports (WFRs) 111-19-001, 113-12-001 and 113-12-BD-002 are discussed regarding the wells outside the subflow zone.

The Court will determine which watershed file reports include the wells that are located outside the boundaries of the subflow zone. The Court will stay consideration of the claims for water rights based on those wells.

IT IS ORDERED that the irrigation claims in WFR 113-12-BA-012 in contested case W1-11-2690 and WFR 113-12-BD-002 in this case shall be tried together on the same schedule:

- Disclosure statements and Expert Reports are due December 14, 2018.
- Discovery is to be completed by June 3, 2019.
- Motions are due August 5, 2019.
- Trial is to begin on September 16, 2019.

IT IS FURTHER ORDERED the deadline for SRP to submit a settlement report for both cases is August 31, 2018.

11:44 Matter concludes.

LATER:

In its Memorandum dated April 19, 2018, Pima County identified ten wells by watershed file report, SOC number, and well registration number that it claimed are located outside the boundaries of the subflow zone. It also provided maps of the location of each well relative to the subflow zone boundaries. On May 22, 2018, Pima County filed a Clarification of its Memorandum seeking to withdraw SOCs 39-1724, 39-2070, 39-2071, 39-2072, 39-2073, 39-2074, 39-2078, 39-2083, 39-5391 and 39-5393. It stated that it would be premature to ask for a judicial determination that the wells associated with the SOCs are not impacting the subflow zone. Objections to the request to withdraw SOCs were filed. As stated above, at the status conference, Pima County withdrew its request to have the court dismiss the SOCs, but urged that consideration of the potential water rights based on the SOCs be stayed.

The ten wells identified by Pima County along with the potential water right reported in the watershed file report associated with each SOC, the legal description, owner name, drill date, and pumping rate from ADWR's well registry are listed below:

Watershed File Report	Statement of Claimant	Potential Water Right	Well Reg. No. 55-	Cadastral	Owner Name	Drill Date	Pump Capacity (GPM)
111-19-001	39-1724	DM001	610657	D19018023ADD	PIMA COUNTY NATURAL RESOURCES, PARKS AND RECREATION DEPT.		10
113-11-003	39-5391	None	624303	D11017022DCD	PIMA COUNTY	1/1/1953	10
113-11-003	39-5393	None	624300	D12017010CAB	PIMA COUNTY	1/1/1953	10
113-12-001	39-2070	DM001	613550	D13018006ADB	PIMA COUNTY NATURAL RESOURCES, PARKS AND RECREATION DEPT.	6/30/1940	7
113-12-001	39-2071	None	613653	D13018006ADB	PIMA COUNTY NATURAL RESOURCES, PARKS AND RECREATION DEPT.	10/30/1940	3
113-12-001	39-2072	DM001	613545	D13018006ADD	CITY OF TUCSON - REAL ESTATE DIVISION	6/1/1930	10
113-12-001	39-2073	None	613548	D13018002ACC	PIMA COUNTY NATURAL RESOURCES, PARKS AND RECREATION DEPT.	1/1/1930	6
113-12-001	39-2074	DM002	613547	D13018011AAD	PIMA COUNTY REAL PROPERTY DIVISION	1/1/1930	8
113-12-001	39-2078	None	613546	D13018007BAD	PIMA COUNTY NATURAL RESOURCES, PARKS AND RECREATION DEPT.	6/1/1966	2
113-12-001	39-2083	None	613652	D13018001AAA	PIMA COUNTY NATURAL RESOURCES, PARKS AND RECREATION DEPT.	1/1/1930	10

Cadastral gives a legal description as: Township, Range, Section, 160 acre quarter, 40 acre quarter quarter, 10 acre quarter quarter quarter

A = NE; B= NW; C=SW; D=SE

Example: D19018023ADD is the legal description SESENE Sec. 23 T 19S R 18E.

IT IS FURTHER ORDERED staying the adjudication of the claims for water rights for which the above-listed wells are the source of water until such time as a court-approved test exists with respect to wells located outside the boundaries of the subflow zone.

IT IS FURTHER ORDERED that no water right for stock watering use will be granted pursuant to that potential water right 113-12-001-SW003 based on Pima County's representation that the entire claim is duplicated in 113-11-002-SW001.

IT IS FURTHER ORDERED that the first day of trial shall be extended until October 21, 2019.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-2694.